

Underground Injection Control Program  
Memorandum of Agreement  
Between  
The Railroad Commission of Texas  
and  
The United States Environmental Protection Agency  
Region VI

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EPA SAWS  
REGION VI

I. General

This Memorandum of Agreement (Agreement) establishes policies, responsibilities, and procedures for the Railroad Commission of Texas' Underground Injection Control Program (the Program) for Class II injection wells pursuant to Part C, Section 1425, of the Safe Drinking Water Act, Pub. L. 93-523 as amended (the Act).

This Agreement is entered into by the Railroad Commission of Texas and signed by the Commissioners of the Railroad Commission of Texas (Commission) with the United States Environmental Protection Agency (EPA), Region VI, and signed by the Region VI Regional Administrator. After it is signed by the Commission and the Regional Administrator, this Agreement will become effective the date the notice of Program approval is published in the Federal Register.

This Agreement may be modified upon the initiative of the Commission or EPA. Modifications must be in writing and must be signed by the Commission and the Regional Administrator. Modifications may be made by revision prior to the effective date of this Agreement or after the effective date by consecutively numbered and dated addenda attached to the Agreement.

This Agreement will remain in effect as long as the Commission has primary enforcement authority for the State Program.

EPA will not take enforcement actions without providing prior notice to the Commission and otherwise complying with Section 1423 of the Act for those portions of the State Program approved by EPA.

The Commission will administer the Program in accordance with the Program Application, the Act, and the applicable regulations.

The EPA will promptly inform the Commission of the issuance, content, and meaning of Federal statutes, regulations, guidelines, standards, judicial decisions, policy decisions, directives, and any other factors which might affect the Program.

The Commission will promptly inform EPA of any modifications to laws, regulations or guidelines, and any judicial decisions or administrative actions which might affect the Program and the Commission's authority to administer the Program.

## II. Responsibilities

### A. Sharing of Information on Class II Operations

All information and records obtained or used in the administration of the Program will be available to EPA for review upon request subject to state statutes governing confidentiality (Article 6252-17a Texas Rev. Civ. Stat. Ann.). Any information obtained from the State by EPA which is subject to a claim of confidentiality will be treated by EPA in accordance with EPA regulations governing confidentiality (40 CFR Part 2).

The EPA will furnish to the Commission the information in its files which the State needs to implement the Program, subject to EPA regulations governing confidentiality (40 CFR Part 2) and Federal provisions governing data transfer.

The Commission will assure the retention of records used in the administration of the Program for three years and all mechanical integrity records for five years. In the event that an enforcement action is pending, all records pertaining to such action will be retained until such action is resolved.

B. Annual Reporting

The Railroad Commission will submit to EPA an annual program report. This report will include:

- a. an updated inventory;
- b. a summary of surveillance and enforcement programs, including the results of monitoring and mechanical integrity testing, the number of inspections, and corrective actions ordered and witnessed; and
- c. an account of all complaints associated with Class II wells reviewed by the Railroad Commission and the actions taken.

C. Compliance Monitoring and Enforcement for Class II Operations

Exceptions and aquifer exemptions will be granted as described in the program description in a manner which will not endanger underground sources of drinking water.

The Commission will enforce the Program in accordance with the enforcement procedures outlined in the program submission. Situations endangering human health will receive immediate and paramount attention.



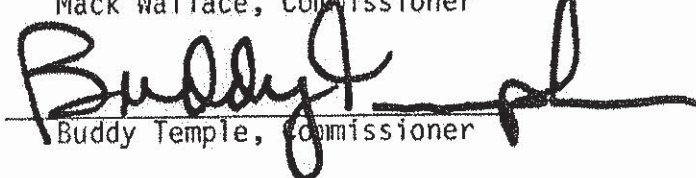
EPA will provide technical assistance, as available, to the Commission on compliance, enforcement and emergency response, with the Commission taking the lead in such actions. However, nothing in this Agreement will restrict EPA's oversight authority under Section 1423 of the Safe Drinking Water Act.

EPA may conduct periodic site and activity inspections on Class II



injection operations. The Regional Administrator will notify the Commission at least seven days before any such inspection and allow opportunity for the State to accompany EPA on any such inspection.

FOR THE RAILROAD COMMISSION OF TEXAS:

  
James E. (Jim) Nugent, Chairman  
  
Mack Wallace, Commissioner  
  
Buddy Temple, Commissioner

ATTEST:   
Elizabeth E. Mavropoulis  
Secretary  
1-18-82  
Date

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION VI:

  
Dick Whittington, Regional Administrator  
U.S. Environmental Protection Agency  
3 - 24 - 82  
Date